

### **The Child Abuse and Neglect Review Board (CANRB)**

Child Abuse and Neglect Review Board(s) will provide an independent review of child abuse and neglect determinations where the alleged perpetrator disagrees with the Division's finding by "preponderance of evidence" abuse or neglect occurred.

1. The board shall consist of nine members who shall be appointed by the governor with the advice and consent of the senate, and shall include:
  - A physician, nurse, or other medical professional;
  - A licensed child or family psychologist, counselor, or social worker;
  - An attorney who has acted as a Guardian ad Litem or other attorney who has represented a subject of a child abuse and neglect report; and
  - A representative from law enforcement or a juvenile office.
  - Other members of the board may be selected from:
    - A person from another profession or field who has an interest in child abuse or neglect;
    - A college or university professor or elementary or secondary teacher;
    - A child advocate;
    - A parent, foster parent or grandparent.
2. The following persons may participate in a Child Abuse and Neglect Review Board review:
  - Appropriate Children's Division staff and legal counsel for the Department;
  - The alleged perpetrator, who may be represented pro se or be represented by legal counsel. The alleged perpetrator's presence is not required for the review to be conducted. The alleged perpetrator may submit a written statement for the board's consideration in lieu of personal appearance;
  - Witnesses providing information on behalf of the child, the alleged perpetrator or the Department. Witnesses shall be allowed to

attend only that portion of the review in which they are presenting information; and

- The victim(s) and his/her representative or witness.

3. The members of the CANRB will convene regularly, depending on the number of requests filed. The members of CANRB will receive reimbursement for reasonable expenses associated with CANRB business, but will not receive compensation for the performance of their duties.

### CHILD ABUSE AND NEGLECT REVIEW GUIDELINES

The Child Abuse and Neglect Review Board (CANRB) shall conduct an investigation review upon the request of the alleged perpetrator who disagrees with the Division's finding of "Preponderance of Evidence". Prior to the Circuit Manager forwarding the request to the CANRB, he/she will review the case to determine whether the finding was appropriate. The CANRB will review Division records, and will hold a review, which may include the presentations of witnesses. The review should determine if the investigator(s) documented sufficiently by a "Preponderance of Evidence" that abuse or neglect occurred. The Circuit Manager and CANRB will use the following guidelines to determine whether the Division's determination should be upheld or reversed:

- The investigator(s) interviewed all subjects of the reported child abuse and neglect incident, i.e., child(ren), parent(s) and alleged perpetrator, and the factual content of same is recorded in the case record;
- The observations of the child's condition in relation to the allegation and the child's statement, if appropriate, were recorded factually in the case record;
- Witnesses and/or collateral were contacted and their statements were recorded factually in the record. Do their statements corroborate information provided by the subject(s) and/or investigator's observations;
- Physical evidence of abuse/neglect was discovered, described in detail and the location of said evidence is recorded in the record;
- The health and well-being of the child(ren) was clearly negatively affected by the act(s) of omission or commission of the alleged perpetrator;
- The verbal and physical evidence documented by the investigator, by a "Preponderance of Evidence" clearly supports the finding ; and,
- The alleged perpetrator is unable to provide sufficient evidence, which indicates that the finding should be reversed.

The following cases are excluded from the appeal process:

- Juvenile Court Action - Cases in which the victim is placed in the custody of Children's Services (CD) and the case is adjudicated. The adjudicatory hearing must have been held for these cases to be exempt. Also included are those cases in which a child is not taken into custody, but the juvenile court, through a judicial order, upholds the findings of the Division on the incident.
- Criminal Convictions - Cases where the alleged perpetrator has been found guilty by due process of charges relative to the CA/N incident.

NOTE: Staff should ensure that conclusion code "A" (Court Adjudicated) has been entered in the CA/N system for all of the above.

If an adjudicatory hearing, or a criminal conviction occurs at any time during the appeal process, the next level appeal will not be heard. If this is prior to the county level review, the **Circuit Manager** should notify the alleged perpetrator in writing that they are not eligible for any further administrative review. If it occurs following the county level review, but prior to the Child Abuse/Neglect Review Board (CANRB) review, the county office must immediately notify the CANRB Liaison. The CANRB Liaison will then notify the alleged perpetrator that they are not eligible for a CANRB review.

These guidelines are not all-inclusive. The CANRB should also consider agency policy and procedures, the Child Abuse Law and his/her best professional judgment in reviewing child abuse and neglect cases. The primary purpose of the review is to determine if the Division had sufficient evidence to determine by a "**Preponderance of Evidence**" that child abuse or neglect occurred.

#### Tips for Presenting a Case to CANRB

- The Board prefers for you to present a short summary of what you considered to be the significant facts that led you to **your finding**, focusing on the allegations that were substantiated on the person requesting the review. Each board member is sent a copy of the case record a couple of weeks before the review, which they read prior to the review, so they really are not interested in you just reading your investigation to them.
- It is often mentioned in the case record that pictures were taken, but they are not always included in the material that is sent with the case record. It is helpful for the board to be able to see the pictures, and they will be returned after the review. The Boards understand that the pictures may not be available if they were taken by another agency, and it is helpful if this information is documented.
- Detailed descriptions and diagrams of marks and injuries to the victims, noting when the marks were observed are helpful. If the descriptions of the marks and injuries are from someone else, it is helpful to include the document describing the injuries rather than just a narrative entry.

- The Board is always interested in all contacts, or attempted contacts, with the alleged perpetrator (AP). They understand you do not have to interview the AP if someone else does. It is helpful to provide a copy of the interview with the AP when it is completed by someone other than the investigator, rather than just a narrative entry summarizing the interview. If the AP refuses to be interviewed without an attorney that should be noted, as well as efforts to make those arrangements.
- The Board values information from people who might have first hand information about the allegations or might have been witnesses. They realize that by policy you may not be required to interview these people but their information is helpful in determining the facts in the case and whether or not there is a **"Preponderance of Evidence"**, to make the determination that abuse or neglect occurred.
- The Board is interested in corroboration of physical information provided by the child or witness. As an example, if there are allegations that the children are locked in a bedroom with a lock on the outside of the door, the board wants to know if a working lock was observed on the outside of the door; or if the child talks about something happening in a blue room, the board will want to know if there is a blue room.
- The Board will often ask about the time line in the case to help them understand the sequence of events or to be sure they are clear about the sequence of events.
- If you mention prior or subsequent reports or assessments, the Board should be provided with the disposition.
- When a family alleges that a child has major behavioral problems at home, the Board members find it helpful to know if this same behavior is seen by the school and their perception of the child.
- The Board will often ask how the child/family is doing now, or if a child was placed in foster care, where the child is currently living. They know that you may not have the information, but if that information is readily available it is something they frequently like to know just as an ending to the case.